

ORDINANCE NO 2020-01

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING ARTICLE III OF CHAPTER 2 OF THE CODE OF ORDINANCES, VILLAGE OF BISCAYNE PARK, ENTITLED "COMMISSIONS, BOARDS AND COMMITTEES" BY AMENDING SECTION 2-30(d)(3) REGARDING THE ONE YEAR RESTRICTION ON THE ELIGIBILITY OF APPOINTMENT OF MEMBERS OF BOARDS OR COMMITTEES THAT HAVE RESIGNED; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 4.03 of the Village Charter of the Village of Biscayne Park empowers the Village Commission to adopt, amend, or repeal such ordinances as may be required for the proper governing of the Village; and

WHEREAS, the Village Commission desires to amend Section 2-30(d)(3) of the Code of Ordinances, Village of Biscayne Park ("Biscayne Park Code) regarding the one year restriction on the eligibility of appointment of members of boards or committees that have resigned; and

WHEREAS, on February 11, 2020, the Village Commission held a first reading of this proposed Ordinance; and

WHEREAS, on March 3, 2020, the Village Commission held a properly noticed second reading of this proposed Ordinance.

NOW, THEREFORE, BE ORDAINED BY THE VILLAGE OF BISCAYNE PARK, FLORIDA AS FOLLOWS:¹

Section 1. Recitals. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

Section 2. Amendments to the Biscayne Park Code. Section 2-30(d)(3) of the Code of Ordinances, Village of Biscayne Park, Florida, is hereby amended to read as follows:

ARTICLE III. - COMMISSIONS, BOARDS AND COMMITTEES

Sec. 2-30. - General rules and policies.

¹/ Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~striketrough~~.

1
2 ***

3
4 (d) *Attendance by members at meetings; resignation of*
5 *members.*

6
7 ***

8
9 (3) *Resignation of members.* Members of boards and
10 committees may resign at any time. ~~A member who~~
11 ~~resigns will not be eligible for appointment to the~~
12 ~~same board or committee for a one-year period.~~

13
14 ***

15
16 **Section 3. Inclusion in the Code & Scrivener's Errors.** The Village Commission intends
17 that the provisions of this Ordinance be made a part of the Biscayne Park Code, and that sections herein
18 may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish
19 codification; regardless, typographical errors that do not affect intent may be corrected with notice to and
20 authorization of the Village Manager without further process.

21
22 **Section 4. Conflicts.** Whenever the requirements or provisions of this Ordinance are in
23 conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most
24 restrictive shall apply.

25
26 **Section 5. Severability.** If any section, subsection, sentence, clause or phrase of this
27 Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid,
28 such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the
29 part so declared.

30
31 **Section 6. Effective Date.** This Ordinance shall become effective upon adoption by the Town
32 Council.

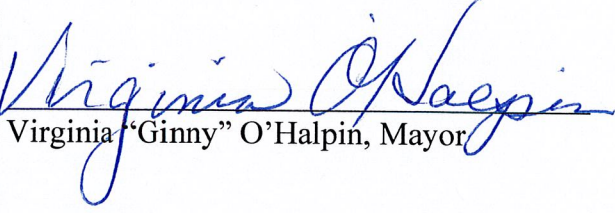
33
34
35 **PASSED AND ADOPTED** upon first reading this 11th day of February, 2020.

36
37 **PASSED AND ADOPTED** upon second reading this 3rd day of March, 2020.

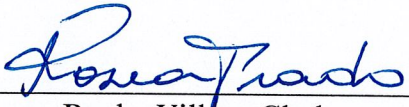
38
39
40 The foregoing Ordinance was offered by Commissioner Samaria, who moved its adoption. The
41 motion was seconded by Commissioner Ross, and upon being put to a vote the vote was as follows:

42
43 Virginia "Ginny" O'Halpin, Mayor Yes
44 William Tudor, Vice Mayor Yes
45 MacDonald "Mac" Kennedy, Commissioner Yes
46 Roxanna "Rox" Ross, Commissioner Yes
47 Dan Samaria, Commissioner Yes
48
49

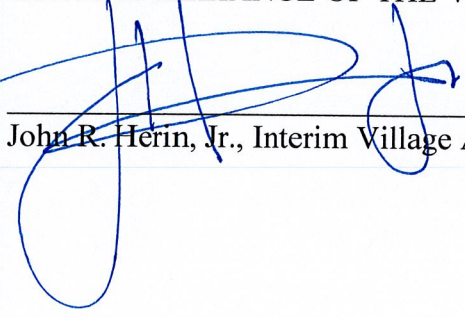
1 VILLAGE OF BISCAYNE PARK

2
3
4 
5 Virginia "Ginny" O'Halpin, Mayor
6
7

8 ATTEST:

9
10 
11 _____
12 Roseann Prado, Village Clerk
13
14

15 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
16 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:
17
18

19 
20 _____
21 John R. Herin, Jr., Interim Village Attorney
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49